

EXHIBIT 8-A

MONTANA DEPARTMENT OF COMMERCE TREASURE STATE ENDOWMENT PROGRAM

SUPPLEMENTAL GENERAL CONDITIONS FOR CONSTRUCTION CONTRACTS

The following Supplemental General Conditions are hereby made a part of this contract and shall supplement and/or supersede any articles of these specifications in conflict therewith.

Any subsequent and/or addenda issued after these specifications have been prepared shall supplement and/or supersede any articles of these specifications.

1. Montana Contractor Registration Requirement
2. Gross Receipts Withholding Requirements
3. Preconstruction Conference
4. Reports and Information
5. Access to Records
6. Contract Pricing
7. Montana Prevailing Wage Requirements
8. Montana Resident Employment Preference
9. Contractor Eligibility
10. Workers Compensation
11. Project Sign

1. MONTANA CONTRACTOR REGISTRATION REQUIREMENT

Title 39, Chapter 9, Parts 1 and 2, MCA provides that no Contractor may submit a bid unless properly registered with the Montana Department of Labor and Industry. (*MDOC also recommends adding the following provision: No bids will be considered that do not carry the bidder's Montana Contractor's Registration Number on the bid and on the envelope containing the bid.*)

Information pertaining to this requirement and/or to registration procedures may be obtained from the Montana Department of Labor and Industry, Construction Contractors Registration Unit, PO Box 8011, Helena, Montana 59604 or, by calling 444-7734.

2. GROSS RECEIPTS WITHHOLDING REQUIREMENTS

Pursuant to Section 15-50-206(2)(3), MCA, the Owner* is required to withhold one percent of all payments due the Contractor and is required to transmit such moneys to the Montana Department of Revenue. The Contractor is also required to withhold one percent from payments to subcontractors. Information pertaining to gross receipts requirements may be obtained from the Montana Department of Revenue, Business Withholding and Miscellaneous Tax Information, PO Box 202701, Helena, MT 59620 or, by calling 444-0269.

3. PRECONSTRUCTION CONFERENCE

After the contract(s) have been awarded, but before the start of construction, a conference will be held for the purpose of discussing requirements regarding such matters as project supervision, coordination with local officials, on-site inspections, progress schedules and reports, payment of prevailing wage rates and payrolls, payments to contractors, contract change orders, insurance, safety and other items pertinent to the project. The contractor shall arrange to have all supervisory personnel connected with the project on hand to meet with representatives of the engineer and owner to discuss any problems anticipated.

4. REPORTS AND INFORMATION

The contractor, at such times and in such forms as the owner may require, must furnish the owner such periodic reports as it may request pertaining to the work or services undertaken pursuant to this contract, the costs and obligations incurred or to be incurred in connection therewith, and any other matters covered by this contract.

* The term Owner means who owns the facility. For TSEP projects this means the local government.

5. ACCESS TO RECORDS

The Owner, the Montana Department of Labor and Industry, the Montana Legislative Auditor, and the Montana Department of Commerce shall be permitted by the contractor to have full access to, and right to examine any pertinent books, documents, papers and records of the contractor involving transactions related to this contract, during the period of the project and for three (3) years from the date of final payment or until all findings have been resolved to the satisfaction of the State of Montana.

6. CONTRACT PRICING

The cost plus a percentage of cost and percentage of construction cost method of contract reimbursement must not be used.

7. MONTANA PREVAILING WAGE REQUIREMENTS

(Include applicable Montana Department of Labor and Industry Prevailing Wage rates)

Unless superseded by federal law, all laborers and mechanics employed in the construction of this project assisted by the Montana Treasure State Endowment Program shall be paid prevailing wage rates in accordance with Sections 18-2-401 through 18-2-432, MCA and all administrative rules adopted pursuant thereto. The contractor must pay, as a minimum, the rate of wages including fringe benefits for health and welfare, pension contributions, vacation, training, travel allowance and per diem, applicable to the locality in which the work is being performed, provided in the attached Montana Prevailing Wage Requirements published by the Montana Department of Labor and Industry.

8. MONTANA RESIDENT EMPLOYMENT PREFERENCE

Unless superseded by federal law, Section 18-2-403, MCA requires contractors to give preference to the employment of bona fide residents of Montana in the performance of work on public works projects.

9. CONTRACTOR ELIGIBILITY

The Contractor certifies that the Contractor's firm and the firm's principals are not debarred, suspended, or otherwise ineligible to receive any public works contracts or subcontracts pursuant to Section 18-2-432 (2), MCA.

10. WORKERS COMPENSATION

The Contractor certifies that workers' compensation insurance will be maintained as required by the Montana Workers' Compensation Act (39-71-101, MCA). The Contractor further certifies that the Contractor will comply at all times with occupational disease and

health and safety laws and regulations to the full extent applicable.

11. PROJECT SIGN

The Contractor will build and place a project sign at an appropriate visible location at the project site. The project sign will conform to the attached drawing. *(Note: the TSEP recipient is required to provide the attached drawing specifying the size of the sign and the information to be placed on the sign. See Chapter 9 – Involving the Public for more information about the required project sign.)*